

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GEORGE HENGLE, *et al.*,  
*on behalf of themselves and*  
*all individuals similarly situated*,  
Plaintiffs,

v.

Civil No. 3:19cv250 (DJN)

SCOTT ASNER, *et al.*,  
Defendants.


**ORDER**

This matter comes before the Court on the Renewed Motion to Compel Arbitration (ECF No. 57) and Renewed Motion to Dismiss (ECF No. 59) filed by Defendants Scott Asner (“Asner”) and Joshua Landy (“Landy”); the Motion to Compel Arbitration (ECF No. 62) and Motion to Dismiss (ECF No. 64) filed by Defendants Sherry Treppa, Tracey Treppa, Kathleen Treppa, Iris Picton, Sam Ica, Aimee Jackson-Penn and Amber Jackson (collectively, the “Tribal Officials”); and, the Motion to Compel Arbitration (ECF No. 46) filed by former Defendants Golden Valley Lending, Inc., Silver Cloud Financial, Inc., Mountain Summit Financial, Inc., Majestic Lake Financial, Inc., and Upper Lake Processing Services, Inc. (collectively, the “Tribal Lending Entities”). For the reasons set forth in the Memorandum Opinion (ECF No. 109) accompanying this Order, the Court DENIES Asner and Landy’s and the Tribal Officials’ Motions to Compel Arbitration (ECF Nos. 57, 62), GRANTS IN PART and DENIES IN PART the Tribal Officials’ Motion to Dismiss (ECF No. 64) and DENIES Asner and Landy’s Renewed Motion to Dismiss (ECF No. 59). The Court DISMISSES WITHOUT PREJUDICE Count Five of Plaintiffs’ Amended Complaint and Count Seven to the extent that it seeks to enjoin future

lending activities by the Tribal Lending Entities and to the extent that Bumbray, Blackburn and Collins seek to enjoin future collection of any outstanding loans. The Court further DENIES AS MOOT the Tribal Lending Entities' Motion to Compel Arbitration (ECF No. 46).

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is so ORDERED.

  
\_\_\_\_\_/s/\_\_\_\_\_  
David J. Novak  
United States District Judge

Richmond, Virginia  
Date: January 9, 2020